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LOCAL ADMINISTRATION DEPARTMENT.

Rules—Conduct of election of municipal councillors and members to local boards—Draft amendments.

Fort St. George, August 10, 1939
(*G.O. No.* 3177, *L.A.*).

No. 784.

The following draft of certain amendments to the rules for the conduct of elections of municipal councillors published with Local Self-Government Department Notification No. 1207, at pages 594 to 601 of Part I-A of the *Fort St. George Gazette*, dated the 21st July 1931, as subsequently amended, which it is proposed to make in exercise of the powers conferred by clauses (a) and (b) of sub-section (2) of section 303 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) is hereby published, as required by clause (a) of section 304 of the said Act, for general information.

Notice is hereby given that the draft will be further proceeded with after six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Government of Madras

DRAFT AMENDMENTS.

In the said rules—

(i) In sub-rule (1) of rule 2—

(a) in the opening paragraph, for the word "vernacular" the word "language" shall be substituted; and

(b) in clause (d), for the word "date" in the first place where it occurs, the word "dates" shall be substituted and for the words "the date for presentation of nomination papers," the words "the earliest date for the presentation of nomination papers" shall be substituted.

(ii) In sub-rule (4) of rule 3, for the words "on the date" in the first sentence, the words "on any of the dates" shall be substituted.

(iii) For sub-rule (7) of rule 3, the following sub-rule shall be substituted, namely.—

"(7) No nomination paper shall be received after the appointed time on the last of the dates appointed for the presentation of nomination papers."

(iv) In sub-rule (1) of rule 5—

(a) for the words "On or before the date appointed for the presentation of nomination papers," the words "At or before the time of presentation of his nomination paper or papers" shall be substituted.

(b) for the words "an Adi-Dravida" the words "a member of the Scheduled Castes" shall be substituted.

(v) For sub-rule (2) of rule 5, the following sub-rule shall be substituted, namely.—

"(2) If no nomination paper is received in respect of a person by whom or on whose behalf the deposit referred to in sub-rule (1) has been made within the time appointed in that behalf, or if the nomination of such a person is rejected, or if he withdraws his candidature in the manner and within the time specified in sub-rule (1) of rule 9, the deposit shall be returned to the person by whom it was made; and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or if not made by the candidate, shall be returned to the person by whom it was made."

(vi) In sub-rule (3) of rule 5, before the words "is not elected;" the words, figures and brackets "withdraws his candidature under sub-rule (2) of rule 9, or if he" shall be inserted

(vii) For sub-rule (6) of rule 5 and the Explanation thereto, the following sub-rule shall be substituted, namely:—

"(6) Notwithstanding anything contained in sub-rules (2) and (5) where deposits have been made by or on behalf of a candidate in respect of two or more wards, not more than one of the deposits shall be returned and the remainder shall be forfeited to the municipal council."

(viii) In sub-rule (8) of rule 5, for the words "claim therefor is preferred," the words "claim therefor is delivered or sent by post to the Election Officer" shall be substituted.

(ix) In sub-rule (2) of rule 8, before the words "also specify," the words "if a poll is found to be necessary, shall" shall be inserted.

(x) For sub-rule (3) of rule 8, the following sub-rule shall be substituted namely.—

"(3) If a poll is found to be necessary the Election Officer shall assign to each candidate, subject to such directions as may be issued by the Provincial Government in that behalf, one of the following colours, namely, red, green blue and yellow or where the number of candidates exceeds four, the colours aforesaid and in addition thereto, purple and such other distinctive colours (except black) as the Election Officer may determine."

(xi) For rule 9, the following rule shall be substituted, namely:—

"9. (1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Election Officer at any time after the presentation of his nomination paper or papers and not later than 3 o'clock in the afternoon of the next day but one succeeding that appointed for the scrutiny of nominations. Unless the notice is delivered by the candidate himself to the Election Officer, the candidate's signature on the notice shall be attested by a person empowered to attest validate.

(2) In cases where a poll is found to be necessary, a candidate may also withdraw his candidature by notice in writing signed by the candidate and delivered by him personally to the Election Officer, after the latest hour for withdrawal referred to in sub-rule (1) but at least three clear days before the date appointed for the poll.

Explanation.—Withdrawal under this sub-rule will entail forfeiture of the deposit made by or on behalf of the candidate.

(3) The Election Officer on receiving a notice of withdrawal under sub-rule (1) or sub-rule (2) shall, as soon as may be, cause a notice of the withdrawal to be published on the notice board of the Municipal office, and where the withdrawal is under sub-rule (2), shall forthwith give intimation of such withdrawal, to all other candidates who have not withdrawn their candidatures.

(4) A candidate who has withdrawn his candidature under sub-rule (1) or sub-rule (2), shall not be allowed to cancel the withdrawal or to be recommended as a candidate for the same election."

(xii) In rule 10-A, for the words, figures and brackets "a candidate who has been duly nominated and has not withdrawn his candidature in the manner and within the time specified in sub-rule (1) of rule 9," the words, figures and brackets "a candidate whose name appears in the list of valid nominations published under rule 8, withdrawn his candidature under sub-rule (2) of rule 9 or" and for the words "upon being satisfied that such ineligibility exists" the words "upon receipt of such withdrawal or upon being satisfied as to the existence of such ineligibility, as the case may be," shall be substituted.

(xiii) In rule 15, after the second sentence ending with the words "on the counterfoil" the following sentence shall be inserted, namely.—

"On every ballot paper, such mark as may be directed by the Election Officer shall be stamped across the perforation between the ballot paper and the counterfoil in such a manner that the mark falls partly on the ballot paper and partly on the counterfoil"

(xiv) In sub-rule (3) of rule 16, the following words occurring in the second sentence shall be omitted, namely —

"Stamp the ballot paper or each of the ballot papers across the perforation between the ballot paper and the counterfoil with such mark as may be directed by the Election Officer and"

(xv) In sub-rule (1) of rule 23, for the words "twenty rupees," the words "five rupees" shall be substituted

(xvi) In sub-rule (6) of rule 23, for the words "The Election Officer after instituting such inquiries as may be necessary," the words "The Election Officer shall immediately institute such inquiries as may be necessary and" shall be substituted.

(xvii) After the proviso to sub-rule (1) of rule 27-A the following further proviso shall be added, namely—

"Provided further that a ballot paper shall not be rejected under clause (5) if the Election Officer is satisfied beyond reasonable doubt, that the ballot paper was one issued by the polling officer."

(xviii) In rule 35, after sub-rule (3), the following sub-rule shall be added, namely:—

"(4) If any difficulty arises as to the holding of any election under these rules, the Provincial Government may by order do anything not inconsistent with these rules which appears to them necessary for the proper holding of the election. Every order passed under this sub-rule shall be laid before each of the Chambers of the Provincial Legislature at its next meeting."

(xix) After rule 36, the following rule shall be added, namely:—

"37. Notwithstanding anything contained in the foregoing rules, the Provincial Government or the Election Authority may, for special reasons, empower the Election Officer to fix dates and periods other than those specified or fixed by or under these rules, for all or any of the stages of the election proceedings connected therewith."

No. 785.

The following draft of certain amendments to the rules for the conduct of elections of members to local boards published with Local Self-Government Department Notification No. 277, dated the 16th February 1932, at pages 146-164 of Part I-A of the *Fort St. George Gazette*, dated the 16th February 1932, as subsequently amended, which it is proposed to make in exercise of the powers conferred by clauses (c) and (d) of sub-section (2) of section 199 of the Madras Local Boards Act 1920 (Madras Act XIV of 1920), is hereby published, as required by section 200 of the said Act, for general information.

Notice is hereby given that the draft will be further proceeded with after six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Government of Madras.

DRAFT AMENDMENTS.

In part I of the said rules—

(i) In sub-rule (1) of rule 2—

(a) in the opening paragraph, for the word "vernacular" the word "language" shall be substituted; and

(b) in clause (d), after the word "date" in the first place where it occurs, the words "or dates" shall be inserted and for the words "the date for presentation of nomination papers," the words "the date or the earliest date, as the case may be, for the presentation of nomination papers" shall be substituted.

(ii) In sub-rule (4) of rule 3, after the words "on the date" in the first sentence the words "on any of the dates" shall be inserted.

(iii) For sub-rule (7) of rule 3, the following sub-rule shall be substituted, namely —

"(7) No nomination paper shall be received after the appointed time on the date or the last of the dates appointed for the presentation of nomination papers."

(iv) In sub-rule (1) of rule 5—

(a) for the words "On or before the date appointed for the presentation of nomination papers," the words "At or before the time of presentation of his nomination paper or papers" shall be substituted.

(b) for the words "an Adi-Dravida" the words "a member of the Scheduled Castes" shall be substituted.

(v) For sub-rule (2) of rule 5, the following sub-rule shall be substituted, namely:—

"(2) If no nomination paper is received in respect of a person by whom or on whose behalf the deposit referred to in sub-rule (1) has been made within the time appointed in that behalf, or if the nomination of such a person is rejected, or if he withdraws his candidature in the manner and within the time specified in sub-rule (1) of rule 9 the deposit shall be returned to the person by whom it was made; and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or if not made by the candidate, shall be returned to the person by whom it was made."

(vi) In sub-rule (3) of rule 5, before the words "is not elected" the words, figures and brackets "withdraws his candidature under sub-rule (2) of rule 9 or if he" shall be inserted

(vii) For sub-rule (6) of rule 5 and the Explanation thereto, the following sub-rule shall be substituted, namely:—

"(6) Notwithstanding anything contained in sub-rules (2) and (5), where deposits have been made by or on behalf of a candidate in respect of two or more circles, not more than one of the deposits shall be returned and the remainder shall be forfeited to the district board."

(viii) In sub-rule (8) of rule 5, for the words "claim therefor is preferred," the words "claim therefor is delivered or sent by post to the Election Officer" shall be substituted.

(ix) In sub-rule (2) of rule 8, before the words "also specify," the words "if a poll is found to be necessary shall" shall be inserted.

(x) For sub-rule (4) of rule 8, the following sub-rule shall be substituted, namely:—

"(4) If a poll is found to be necessary, the Election Officer shall assign to each candidate, subject to such directions as may be issued by the Provincial Government in that behalf, one of the following colours, namely, red, green, blue and yellow or where the number of candidates exceeds four, the colours aforesaid and in addition thereto purple and such other distinctive colours (except black), as the Election Officer may determine."

(xi) For rule 9, the following rule shall be substituted, namely:—

"9. (1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Election Officer at any time after the presentation of his nomination paper or papers and not later than 3 o'clock in the afternoon of the next day but one succeeding that appointed for the scrutiny of nominations. Unless the notice is delivered by the candidate himself to the Election Officer, the candidate's signature on the notice shall be attested by a person empowered to attest vakalats.

(2) In cases where a poll is found to be necessary, a candidate may also withdraw his candidature by notice in writing signed by the candidate and delivered by him personally to the Election Officer after the latest hour for withdrawal referred to in sub-rule (1) but at least seven clear days before the date appointed for the poll in case the election relates to a district board and at least three clear days before the date appointed for the poll in case the election relates to a panchayat.

Explanation.—Withdrawal under this sub-rule will entail forfeiture of the deposit made by or on behalf of the candidate.

(3) The Election Officer, on receiving a notice of withdrawal under sub-rule (1) or sub-rule (2), shall, as soon as may be, cause a notice of the withdrawal to be published in the manner prescribed in sub-rule (1) of rule 8 and in the case of a district board, also in the manner prescribed in sub-rule (3) of that rule; and where the withdrawal is under sub-rule (2), the Election Officer shall forthwith give intimation of such withdrawal to all other candidates who have not withdrawn their candidatures.

(4) A candidate who has withdrawn his candidature under sub-rule (1) or sub-rule (2) shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election."

(xii) In rule 10-A, for the words, figures and brackets "a candidate who has been duly nominated and has not withdrawn his candidature in the manner and within the time specified in sub-rule (1) of rule 9," the words, figures and brackets "a candidate whose name appears in the list of valid nominations published under rule 8 withdraws his candidature under sub-rule (2) of rule 9 or" and for the words "upon being satisfied that such withdrawal or upon being satisfied as to the existence of such ineligibility, as the case may be," shall be substituted;

(xiii) For the second sentence and falls partly on the ballot paper and partly on the counterfoil."

(xiv) For sub-rule (3) of rule 16, the following sub-rule shall be substituted, namely:—

"(3) Immediately before any ballot paper or papers are delivered to an elector—

(a) the number, name and description of the elector as stated in the electoral roll shall be called out; and

(b) in case the election relates to a panchayat, the polling officer shall enter on the counterfoil or on the first of the counterfoils, as the case may be, the name and number of the elector on the electoral roll.

The polling officer shall then detach the ballot paper or papers from the counterfoil or counterfoils and deliver the same to the elector. The polling officer shall also place a mark on a copy of the electoral roll against the number of the elector to denote that he has received the ballot paper or papers but with no indication of the particular ballot paper or papers which he has received."

(xv) In sub-rule (1) of rule 23, for the words "twenty rupees," the words "five rupees" shall be substituted.

(xvi) In sub-rule (6) of rule 23, for the words "the Election Officer after instituting such inquiries as may be necessary," the words "The Election Officer shall immediately institute such inquiries as may be necessary and" shall be substituted.

(xvii) After the proviso to sub-rule (1) of rule 27-A, the following further proviso shall be added, namely:—

"Provided further that a ballot paper shall not be rejected under clause (b) if the Election Officer is satisfied beyond reasonable doubt that the ballot paper was one issued by the polling officer."

(xviii) In rule 35, after sub-rule (3) the following sub-rule shall be added, namely —

"(4) If any difficulty arises as to the holding of any election under these rules, the Provincial Government may, by order, do anything not inconsistent with these rules, which appears to them necessary for the proper holding of the election. Every order passed under this sub-rule shall be laid before each of the Chambers of the Provincial Legislature at its next meeting."

L. J. MacIVER,
Secretary to Government.

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